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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/665,184	09/17/2003	Shmuel A. Ben-Sasson	24348-501CIP	5564	
30623	7590 05/18/2005		EXAM	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY			MONDESI, ROBERT B		
AND POPEO), P.C. CIAL CENTER		ART UNIT	PAPER NUMBER	
BOSTON, MA 02111			1653		
			DATE MAILED: 05/18/2003	DATE MAILED: 05/18/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Etherises for the many be available used the provisions of 3° CFR 136(b). In no event, hovever, may a reply be timely filed If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thinty (30) lays will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thinty (30) lays will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thinty (30) lays, a reply with the period for reply specified by the replace of the communication. A proper section of the state of the		Application No.	Applicant(s)					
Robert B. Mondesi - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exercised by the period for reply specified singular day research of the period for reply specified singular day research of the period for reply specified singular day research of the period for reply specified singular day research period with the statutory relief with semiling date of his communication. If the period for reply specified solves is less than thitly (30) days, and provide the statutory relief with a semiling date of his communication. If the period for reply specified solves is less than thitly (30) days, and provided the period of the period for reply specified solves is less than thitly (30) days, and provided the period of the period for reply specified solves, his maximum statutory period with a semiling date of his communication. Any reply received by the Office later than three months after the mailing date of this communication, even if temply filed, may reduce any seminor than a seminor than a seminor of the semi	Office Action Commons	10/665,184	BEN-SASSON ET AL.					
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Art Unit: 1653

DETAILED ACTION

Applicants' election of Invention of Group I, Claims 1-70, 77-83, 90, 93-97 in response to the restriction requirement mailed November 26, 2004 is acknowledged; however after further analysis of the claims the examiner has realized that due to the broad and encompassing nature of the claims drawn to the composition specifically in regards to: (a) a effective amount of an effectors, (b) a counter ion, (c) a protective agent, (d) non-ionic detergent, (e) a protease inhibitor and a reducing agent, there needs to be a further election with regards to each group.

Claims 10-24 cite a variety of possible compounds that may be considered as effector: polysaccharides glycoasminoglycan, proteins such as insulin, antibodies such as anti-TNF antibodies, an antibiotic, an enzyme, a nucleic acid and so on ... These compounds do not share any sort of function or structure that would allow them to be put together in a Markush type grouping; therefore the examiner has determined that they all are patentably distinct and is requiring the applicant to elect a specific compound. Due to the stated difference among the compounds with regards to structure and function, the election of a specific compound is not considered to a species election.

This application contains claims directed to the following patentably distinct species of the claimed invention: **Claims 25-38** are drawn to counter ions that have different structures and functions: an anionic amphipathic such as

sulfonate and phosphate, a quantery amine such as a benzalkonium derivative. imidazolium deravetive such as 1,2-dimethyl-3-propylimidazolium and a pyridium derivative such as 1-butyl-4-methylpyridinium.

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 25 is generic to counter ion and applicants needs to elect from a group consisting of: an anionic amphipathic such as sulfonate and phosphate, a quantery amine such as a benzalkonium derivative, imidazolium deravetive such as 1,2-dimethyl-3propylimidazolium and a pyridium derivative such as 1-butyl-4-methylpyridinium.

This application contains claims directed to the following patentably distinct species of the claimed invention: Claims 46-49 are to a hydrophonic carrier: fatty acids, monoglycerides, di-glycerides, triglcerides, ethers and cholesterol esters of fatty acids.

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 46 is generic to hydrophobic carriers applicants needs to elect from a group consisting of fatty acids, monoglycerides, di-glycerides, triglcerides, ethers and cholesterol esters of fatty acids.

This application contains claims directed to the following patentably distinct species of the claimed invention: Claims 50 and 51 are drawn to protective agents.

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Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim 50** is generic to protective agents listed in **claim 51** and applicant needs to elect a single protective agent from **claim 51**.

This application contains claims directed to the following patentably distinct species of the claimed invention: Claims **77-83** are drawn to a non-ionic detergent, an ionic detergent, a protease inhibitor and a reducing agent

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim 77** is generic to a non-ionic detergent, an ionic detergent, a protease inhibitor and a reducing agent applicants needs to elect form a group consisting of a non-ionic detergent, an ionic detergent, a protease inhibitor and a reducing agent. Should the applicant elect a protease inhibitor the need to elect a single compound from claim 82.

Applicants are advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by

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37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Mondesi whose telephone number is 571-272-0956. The examiner can normally be reached on 9am-5pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert B. Mondesi

05-12-05

PRIMARY EXAMINER

At Unit 1653